



Name of meeting: Corporate Governance and Audit

Date: 26th November 2021

Title of report: Recommendation on the Code of Conduct from Standards Committee

Purpose of report:

To ask Corporate Governance and Audit to recommend changes to the Council's Code of Conduct proposed by the Standards Committee to Council.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	NO
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)?</u>	NO
The Decision - Is it eligible for call in by Scrutiny?	NO
Date signed off by <u>Strategic Director</u> & name Is it also signed off by the Service Director for Finance? Is it also signed off by the Service Director for Legal Governance and Commissioning?	Rachel Spencer-Henshall 18/11/21 Eamonn Croston 18/11/21 Julie Muscroft 18/11/21
Cabinet member portfolio	Cllr Paul Davies

Electoral wards affected: All

Ward councillors consulted: NO

Public or private: Public

Has GDPR been considered? YES

1. Summary

- 1.1 This report is intended to update Corporate Governance and Audit on the Standards Committee's recommendations on the Code of Conduct.
- 1.2 The Standards Committee met on the 14th of September and considered a report on the LGA Model Code of Conduct and whether or not it should be adopted in Kirklees.
- 1.3 After discussing the options, it was agreed that Standards Committee would recommend a 'hybrid' code of conduct to this committee, and ask that it be agreed and referred to Council as a recommendation of this committee.

2. Information required to take a decision

- 2.1 In the CSPL report that was published in January 2019, there were a number of best practice suggestions made for Local Authorities to incorporate into their codes of conduct. The majority of those were either already in the Kirklees Code or were adopted following the publication of the report. The LGA also undertook to draft a model code of conduct, based on the recommendations of the report.
- 2.2 The LGA's model code was published in December 2020, and incorporated the best practice suggestions that were in the CSPL report and which had also by then had been incorporated into the Kirklees code. The principal difference was a stylistic one, with the LGA model code being written in the first person, reading more as a 'contract'.
- 2.3 Consideration was given to the LGA's draft model of Code of Conduct, and it was compared to the existing Kirklees code. The available choices were to adopt the code in full, to adopt it in part with some revisions or to reject it outright and to retain the Kirklees code.
- 2.4 It was felt that, whilst the LGA model code was overall a good and clear document, there were some areas where it was not as detailed as the existing Kirklees code (e.g. relating to Other Interests) and that to adopt it in full would mean that we would lose some clarity in those areas. . The Standards Committee took the view that the best approach was to adopt the LGA code, but to make some modifications to it to incorporate those parts of the Kirklees code that it was felt addressed certain issues in a better or clearer way.
- 2.5 A 'hybrid' code was drafted, which used the LGA code as its starting point, adding those parts of the Kirklees code identified as being preferable to the LGA's drafting. The proposed drafted 'hybrid' code is attached at Appendix 1.
- 2.6 Members are asked to review the proposed draft and to recommend that to Council for adoption.

3. Implications for the Council

The Council is required under the Localism Act 2011 to have a members Code of Conduct but is at liberty to determine the contents of any Code.

3.1 Working with People

N/A

3.2 Working with Partners

N/A

3.3 Place Based Working

N/A

3.4 Climate Change and Air Quality

In order to minimise any impact, printing is kept to a minimum.

3.5 Improving outcomes for children

N/A

3.6 Other (eg Legal/Financial or Human Resources) Consultees and their opinions

The promotion and maintenance of high standards of conduct by councillors is an important part of maintaining public confidence in both the council and its members. Failure to do so could have significant reputational implications.

4. Next steps and timelines

If applicable, this committee's recommendation will be put before Council.

Any recommendation will be considered by Council and, subject to approval, the Monitoring Officer will amend the Constitution to incorporate the amended version of the Code of Conduct.

5. Officer recommendations and reasons

Members are asked to recommend to Council to adopt the draft 'hybrid' code that is based on the LGA model code as set out in Appendix to this report.

6. Cabinet Portfolio Holder's recommendations

N/A

7. Contact officer

David Stickley
Senior Legal Officer
01484 221000
david.stickley@kirklees.gov.uk

8. Background Papers and History of Decisions

Report to Standards Committee & Appendices – 15th September 2021

9. Service Director responsible

Julie Muscroft
Service Director – Legal, Governance and Commissioning
01484 221000
julie.muscroft@kirklees.gov.uk

Appendix 1

Draft version of a hybrid proposed Code of Conduct